

FORM PTO-1390 (Modified)  
(REV 11-98)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

344-P-16-USA

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/509237

INTERNATIONAL APPLICATION NO.  
PCT/US98/22022INTERNATIONAL FILING DATE  
19 OCT., 1998PRIORITY DATE CLAIMED  
NONE

## TITLE OF INVENTION

**METHODS AND COMPOSITIONS FOR IN SITU FORMATION OF PROTECTIVE AND/OR  
MEDICATED FILMS ON BODY TISSUE**

APPLICANT(S) FOR DO/EO/US

**DRUMMOND, WILLIAM H.  
ROSE, SETH D.**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

## Items 13 to 20 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☐ A **FIRST** preliminary amendment.
16. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
17. ☐ A substitute specification.
18. ☐ A change of power of attorney and/or address letter.
19. ☒ Certificate of Mailing by Express Mail
20. ☒ Other items or information:

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY - INDEPENDENT INVENTOR;  
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY - SMALL BUSINESS CONCERN;  
DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION;  
COPY OF EXECUTED ASSIGNMENT - (RECORDED IN PCT APPLICATION).**

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR 1.492 (a)) <b>09/509297</b>	INTERNATIONAL APPLICATION NO. <b>PCT/US98/22022</b>	ATTORNEY'S DOCKET NUMBER <b>344-P-16-USA</b>
---	--	---

21. The following fees are submitted:

**BASIC NATIONAL FEE ( 37 CFR 1.492 (a) (1) - (5)) :**

- ☒ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... **\$970.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... **\$840.00**
- ☐ International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... **\$690.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... **\$670.00**
- ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... **\$96.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =****\$970.00**

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

**\$0.00**

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	6 - 20 =	0	x \$18.00
Independent claims	6 - 3 =	3	x \$78.00

**\$0.00****\$234.00**Multiple Dependent Claims (check if applicable). ☐**\$0.00****TOTAL OF ABOVE CALCULATIONS =****\$1,204.00**

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☒

**\$602.00****SUBTOTAL =****\$602.00**

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

**\$0.00****TOTAL NATIONAL FEE =****\$602.00**

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

**\$0.00****TOTAL FEES ENCLOSED =****\$602.00**

Amount to be: refunded	\$
charged	\$

☒ A check in the amount of **\$602.00** to cover the above fees is enclosed.

☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \_\_\_\_\_ to cover the above fees.  
A duplicate copy of this sheet is enclosed.

☐ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. \_\_\_\_\_ A duplicate copy of this sheet is enclosed.

**NOTE:** Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

**WILLIAM H. DRUMMOND  
DRUMMOND & DUCKWORTH  
4590 MacARTHUR BLVD., SUITE 500  
NEWPORT BEACH, CA 92660**

SIGNATURE

**William H. Drummond**

NAME

**20,590**

REGISTRATION NUMBER

**March 20, 2000**

DATE

09/509237

ASSIGNMENT

416 Rec'd PCT/PTO 20 MAR 2000

In consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Seth D. Rose, an individual, hereby sells and assigns to Zila, Inc. a Delaware corporation, its successors and assigns, the entire right, title and interest in and to the improvements described and claimed in International Patent Application No. PCT/US98/22022 entitled "Methods and Compositions for *In Situ* Formation of Protective and/or Medicated Films on Body Tissue", and in and to any and all corresponding applications for patent and patents therefor in any and all countries, including all divisions, reissues, continuations and extensions thereof, and all rights of application and foreign priority corresponding thereto, and authorizes and requests any official whose duty it is to issue patents, to issue any patent on said improvements or resulting therefrom to said Zila, Inc., its successors and assigns, and agrees that on request and without further consideration, but at the expense of said Zila, Inc., I will communicate to said Zila, Inc., or its representatives or nominees, any facts known to me respecting said improvements and sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally aid Zila, Inc., its successors, assigns and nominees, to obtain and enforce proper patent protection for said invention in all countries. Seth D. Rose covenants with said Zila, Inc., its successors and assigns, that the rights and property hereby conveyed are free

and clear of any encumbrance, and that I have full right to convey the same as herein expressed.

By Seth D. Rose  
Seth D. Rose

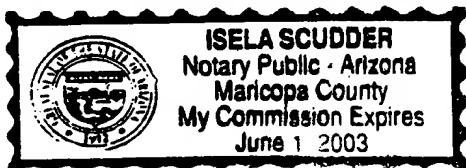
State of Arizona )  
County of Maricopa ) s.s

On 3-13, 2000, before me, Iseia Scudder,

Notary Public, appeared Seth D. Rose, proved to me on the basis of satisfactory evidence **OR** personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Subscribed and sworn to before me on 3-13, 2000.

(Seal)



Iseia Scudder  
Notary Public